

**UNITED STATES BANKRUPTCY
COURT FOR THE DISTRICT OF
MARYLAND
Baltimore Division**

In re:

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Bankr. Case No.: 18-13119

DONDRA L. DAVENPORT,

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* Chapter 7

Debtor.

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DONDRA L. DAVENPORT,

*

Adv. Proc. No.: 18-00080

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Plaintiff,

*

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v.

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US DEPARTMENT OF EDUCATION
FED LOAN SERVICING

*

Defendants.

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**PENNSYLVANIA HIGHER EDUCATION ASSISTANCE AGENCY’S AMENDED
ANSWER AND AFFIRMATIVE DEFENSE TO FIRST AMENDED COMPLAINT TO
DETERMINE DISCHARGEABILITY OF DEBT**

Defendant Pennsylvania Higher Education Assistance Agency (“PHEAA”) (hereinafter referred to as “PHEAA”) on behalf its unincorporated division, FEDLoan Servicing (hereinafter referred to as “FLS”), collectively, “FLS/PHEAA”¹, by and through counsel, William D. Day, hereby provides its AMENDED Answer to the allegations of Plaintiff, Dondra L. Davenport

¹ FedLoan Servicing is a fictitious name utilized by the Pennsylvania Higher Education Assistance Agency (PHEAA), which is a statutorily-created entity of the Commonwealth of Pennsylvania. 24 P.S. §§ 5101.5199.9. PHEAA established FedLoan Servicing to support the U.S. Department of Education's ability to service student loans owned by the federal government. PHEAA is a governmental agency of the Commonwealth of Pennsylvania. Act of August 7, 1963, P.L. 549, 24 P.S. §§ 5101 et seq., as amended. *See also, Pennsylvania Higher Education Assistance Agency v. Xed*, 456 A.2d 725, 726 (Pa. Commw. Ct. 1983).

(“Plaintiff”)’s, First Amended Complaint to determine dischargeability of debt (“Complaint”), and states as follows:

INTRODUCTION

PHEAA’s answer to Plaintiff’s unnumbered paragraph: Denied to the extent that PHEAA is the holder of educational loan debt owed by the Plaintiff. Portions of this paragraph of Plaintiff’s First Amended Complaint are conclusions of law and / or requests for relief, to which no answer is required, but are nevertheless denied. As to the remaining allegations of this paragraph of Plaintiff’s First Amended Complaint, PHEAA is without information or knowledge sufficient to form a belief as to the truth of the averments contained within this paragraph of Plaintiff’s First Amended Complaint and, therefore, denies same.

AFFIRMATIVE DEFENSES

First Affirmative Defense

Plaintiff fails to state a claim upon which relief may be granted.

Second Affirmative Defense

FLS/PHEAA is not a proper party to this action.

Third Affirmative Defense

FLS/PHEAA is merely the servicer of the student loans and has no interest in the note.

Forth Affirmative Defense

FLS/PHEAA does not own the student loans that is the subject to this adversary proceeding.

WHEREFORE, PHEAA respectfully requests judgment in its favor and against Plaintiff and such other relief as is just and equitable.

Respectfully Submitted,

/wdd/ William D. Day

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CERTIFICATE OF SERVICE

I certify that on May 10, 2018, a copy of the foregoing ANSWER was served on the Plaintiff via first class postage prepaid.

Dondra L. Davenport
10621 Gramercy Place
Unit 332
Columbia, MD 21044

/wdd/ William D. Day

William D. Day, Bar No. 16710